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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,925	10/23/2001	Manfred Boldy	DE920000041US1	9258
7590 06/06/2005			EXAMINER	
Andrew Calderon McGUIRE WOODS LLP 1750 Tysons Blvd., Suite 1800 McLean, VA 22102			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/043,925

Applicant(s)

BOLDY, MANFRED

Examiner

Essama Omgba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 13-17 are objected to because of the following informalities: in claim 13, line 7, "an" should read --the--. To make it clear that the "strain relief clamp " recited in line 4 is the same that is being recited in line 7. Applicant's submitted change was not necessary since there was no indefiniteness problem in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Grois et al. (US Patent 6,434,315).

With regards to claims 1 and 3, Applicant, at pages 1 and 2 of the specification to be known as AAPA, discloses a cable mounted to a connector with ends of the cable marked for identification purpose. AAPA does not disclose a strain relief clamp with a transparent portion through which a marking of interest is visible when the strain relief clamp is installed on the connector. However Grois et al. teaches a strain relief component 74 with a rectangular transparent portion 80 affording visual inspection of the cable within the connector, see column 3, lines 46-66. Therefore it would have been

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obvious to one of ordinary skill in the art at the time the invention was made, to have provided a strain relief clamp with a transparent portion in the connector of AAPA, in light of the teachings of Grois et al., in order to afford visual inspection of the cables. Applicant should note that the transparent portion 80 of the strain relief component of Grois et al. is stationary on cover 24 and will not move once installed.

For claim 7, Applicant, at pages 1 and 2 of the specification to be known as AAPA, discloses a method for identifying a cable that has identification markings on its end section wherein cable ends are marked for identification and mounted to connectors. AAPA does not disclose a strain relief clamp with a transparent portion through which a marking of interest is visible when the strain relief clamp is installed on the connector. However Grois et al. teaches a strain relief component 74 with a transparent portion 80 affording visual inspection of the cable within the connector, see column 3, lines 46-66. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided a strain relief clamp with a transparent portion in the connector of AAPA, in light of the teachings of Grois et al., in order to afford visual inspection of the cables. Applicant should note that the transparent portion 80 of the strain relief component of Grois et al. is stationary on cover 24 and will not move once installed.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Grois et al. as applied to claim 1 above, and further in view of Beier et al. (US Patent 6,367,897).

AAPA/Grois et al. discloses a strain relief clamp as shown above except for the strain relief clamp including an antikink protective sleeve. However it is known to provide antikink sleeves to connectors as attested by Beier et al., see column 4, lines 22-25 and figure 1. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the strain relief clamp of AAPA/Grois et al. with an antikink protective sleeve, in light of the teachings of Beier et al., in order to prevent buckling of the cable.

5. Claims 4-6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Grois et al. as applied to claims 1 and 7 above, and further in view of Waddington (US Patent 3,297,816).

AAPA/Grois et al. discloses a strain relief clamp and a method for identifying cables as shown above except for the transparent portion being a transparent ring provided about an entire circumference of the strain relief clamp. However it is known to provide transparent rings about an entire circumference of a connector for electrical conductors as attested by Waddington, see column 2, lines 22-26. Therefore it would have been obvious to make the transparent portion of AAPA/Grois et al. as a transparent ring, in light of the teachings of Waddington, in order to facilitate inspection of the cables from any side. Applicant should note that the ring of Waddington could be made opaque at some places. Also providing the ring in a groove is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the transparent ring in a groove versus a ring with no groove as taught by Waddington. It should be noted that although the strain relief clamp of AAPA/Grois et al.

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is not cylindrical, cylindrical strain relief clamps are old and well known in the art as attested by the many prior arts made of record in the instant application such as Hoffmeister et al. (US Patent 6,421,495). As such one of ordinary skill in the art would find it obvious to apply the teachings of AAPA/Grois et al./Waddington to a cylindrical strain relief clamp.

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Grois et al. and Waddington.

Applicant, at pages 1 and 2 of the specification to be known as AAPA, discloses a cable mounted to a connector with ends of the cable marked for identification purpose. AAPA does not disclose a strain relief clamp with a transparent portion through which a marking of interest is visible when the strain relief clamp is installed on the connector. However Grois et al. teaches a strain relief component 74 with a transparent portion 80 affording visual inspection of the cable within the connector, see column 3, lines 46-66. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided a strain relief clamp with a transparent portion in the connector of AAPA, in light of the teachings of Grois et al., in order to afford visual inspection of the cables. Although AAPA/Grois et al. does not disclose the transparent portion being a transparent ring provided about an entire circumference of the strain relief clamp. However it is known to provide transparent rings about an entire circumference of a connector for electrical conductors as attested by Waddington, see column 2, lines 22-26. Therefore it would have been obvious to make the transparent portion of AAPA/Grois et al. as a transparent ring, in light of the

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teachings of Waddington, in order to facilitate inspection of the cables from any side.

Applicant should note that the ring of Waddington could be made opaque at some places. Also providing the ring in a groove is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the transparent ring in a groove versus a ring with no groove as taught by Waddington. It should be noted that although the strain relief clamp of AAPA/Grois et al. is not cylindrical, cylindrical strain relief clamps are old and well known in the art as attested by the many prior arts made of record in the instant application such as Hoffmeister et al. (US Patent 6,421,495). As such one of ordinary skill in the art would find it obvious to apply the teachings of AAPA/Grois et al./Waddington to a cylindrical strain relief clamp.

### ***Allowable Subject Matter***

7. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

8. Applicant's arguments, see pages 1 and 2 of Applicant's remarks, filed March 3, 2005, with respect to claim 9 have been fully considered and are persuasive. The 112, 1<sup>st</sup> paragraph rejection of claim 9 has been withdrawn.

9. Applicant's arguments filed March 3, 2005, with respect to the 103 rejections, have been fully considered but they are not persuasive.

In response to Applicant's argument that in the Grois reference, the windows allows inspection of unmarked, spread-apart optical fibers, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

In response to Applicant's argument that the window disclosed in the Grois reference is contrary to the claimed stationary, non-separable transparent portion, the examiner respectfully disagrees. Applicant's claimed window is an opening that is provided on the body of a strain relief clamp, likewise Grois' window is also an opening in the body of a strain relief clamp that is also non-movable. The fact that Grois discloses a cover to go over the opening does not make the opening that is the window move.

In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*



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*Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Grois clearly disclose a transparent window for visual inspection of cables within the connector as outlined in the rejections, see column 3, lines 64-66 of Grois et al. Whether it is to inspect the cables or to see a marking of interest on the cables, both Grois and Applicant solve the same problem which is facilitate viewing the cables inside the connector.

In response to Applicant's argument that the transparent connector housing of Waddington is not the same as a window that is circumferentially positioned about an entire strain relief clamp, the examiner respectfully disagrees. Firstly the examiner submits that the connector of Waddington could be considered a ring, secondly that ring is transparent to facilitate viewing the interior thereof, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to make the transparent portion of AAPA/Grois et al. as a transparent ring, that is make the window to go all around the strain relief clamp, in order to facilitate inspection of the cables from any side.

In view of the above remarks, the examiner maintains that a *prima facie* case of obviousness has been established in the instant application as outlined in the above rejections.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Essama Omgba', written in a cursive style.

Essama Omgba  
Primary Examiner  
Art Unit 3726

eo  
May 30, 2005